

## Borough Funds Acts Amendment Bill.

---

### MEMORANDUM.

---

The object of this Bill is to amend the procedure under the Borough Funds Acts for taking the opinion of the ratepayers on the question of the promotion of a Bill by the council of a borough or urban district.

The principal amendments made are:—

- (1.) The possibility of a poll being required by a single ratepayer is removed, and the demand for the poll must be made by a substantial number of ratepayers.
- (2.) Machinery is provided by which the opinion of the ratepayers can be taken separately on separate portions of a Bill.
- (3.) The poll is to be taken in the manner familiar at all local elections and not, as now required, by leaving voting papers at the voter's residence.

The Bill is practically in the form in which it was passed last session by the Standing Committee on Law, &c., and provides for the holding of a public meeting for the discussion of the proposed Bill. Some amendments have been made with a view to simplifying the procedure at this meeting.

The Bill applies only to the promotion of Bills and not, as the provisions superseded did, both to promotion and to opposition. The application of the superseded provisions to opposition was, however, merely nominal, as those provisions did not affect the inherent right of a corporation to oppose any Bill which threatened its interests.



A  
B I L L

TO

Amend. the Borough Funds Act, 1872, and the Borough Funds (Ireland) Act, 1888. A.D. 1901.

**B**E it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

5     1. This Act may be cited as the Borough Funds Act, 1901, and the Borough Funds Act, 1872, and this Act may be cited together as the Borough Funds Acts, 1872 and 1901, and the Borough Funds (Ireland) Act, 1888, and this Act may be cited together as the Borough Funds (Ireland) Acts, 1888 and 1901. Short titles.

10     2. In this Act and subject to the provisions thereof, the expression "council" includes the council of every borough and of every urban district, the expression "borough" includes a metropolitan borough and the expression "electors" means the parochial electors for the time being enrolled in the register of parochial electors in force for the parishes in a borough or urban district, and the expression "the mayor or chairman" means the mayor of the borough or the chairman of the urban district council. Interpretation of terms.

15     3.—(1.) No expense in relation to the promotion of a Bill in Parliament shall be charged under the Borough Funds Act, 1872, unless the requirements of this Act have been complied with. Advertisement of notice of deposit of Bill.

20     (2.) Where the council of a borough or urban district have resolved in accordance with the provisions of the Borough Funds Act, 1872, to promote a Bill in Parliament and the Bill has been deposited, notice shall be given by placards and by advertisement in some local newspaper circulating in the borough or district on one day in two successive weeks stating— 35 & 36 Vict c 91.

(a) the title of the Bill; and

(b) that the Bill has been deposited, and the date on which it was first deposited in either House; and

[Bill 36.]

A

A.D. 1901.

(c) that copies of the Bill may be inspected at a place within the borough or district specified in the notice, between the hours of ten in the forenoon and five in the afternoon, on every week day for *twenty-one days* after the date of the first advertisement, and that extracts may be taken free of charge; 5 and

(d) that a public meeting of electors will be held on a day named, not being less than *twenty-one days* after the first advertisement of the notice, for the purpose of considering the question of the promotion of the Bill. 10

(3.) The first advertisement under this section must be made within *seven days* from the first deposit of the Bill in either House, and the placards giving notice under this section must be posted within the same time.

Public meeting and power to require poll as to promotion of Bill in Parliament.

4.—(1.) A public meeting of electors shall be held in accordance with the notice, and the mayor or chairman, or, in the event of his being unable or unwilling to preside, any person appointed by the council to perform that duty shall be president of the meeting, but if neither the mayor or chairman, nor the person so appointed are present within ten minutes after the time appointed for the meeting, the meeting shall choose an elector present at the meeting to be president of the meeting. 15 20

(2.) The president of the meeting may adjourn the meeting with the consent of the majority of the electors present.

(3.) On opening any such meeting the president of the meeting, or a member of the council, shall give such explanation of the Bill with reference to which the meeting is held as he thinks expedient. 25

(4.) The question of the promotion of the Bill shall be put by the president to the meeting either by a single resolution in favour of the promotion of the whole Bill, or by separate resolutions in favour of the promotion of any part or parts or clause or clauses of the Bill, but together covering the promotion of the whole Bill, and the meeting shall decide for or against any such resolution. 30

(5.) The president shall explain to the meeting the resolution or resolutions he proposes to put to the meeting, and the question of the promotion of the Bill shall be put in the manner proposed; provided that if before any such resolution is put the meeting decide to request the president to put separately any resolution or resolutions in favour of the promotion of any part or parts or clause or clauses of the Bill not proposed by him to be put separately, he shall put such further or other resolution or resolutions to the 35 40

meeting, as will consistently with the provisions of this Act give effect to that request. A.D. 1901.

(6.) Unless a poll is required in manner provided by this Act, with respect to any resolution so put to the meeting, the decision of the meeting on the resolution, as declared by the president of the meeting, shall be final.

(7.) A poll may be required with respect to any such resolution by not less than one hundred electors, or one-twentieth in number of the electors, whichever may be the less, and if the decision of the meeting on the resolution is against the resolution by the council.

(8.) A requisition for a poll by electors must be in writing signed by the persons making it, and must be delivered to the mayor or chairman within *ten days* after the date of the meeting, or any adjournment thereof.

(9.) A requisition for a poll by the council must be authorised by a resolution of the council, and a copy of the resolution must be delivered to the mayor or chairman within *ten days* after the meeting or any adjournment thereof. Provided that if the regulations governing the meetings of the council do not permit of a meeting of the council being held within the said *ten days*, the time for the delivery of a copy of the resolution shall be within *three days* after the date on which a meeting of the council can first be held subsequently to the date of the meeting of the electors or any adjournment thereof.

(10.) The mayor or chairman shall proceed to take the opinion by poll of the electors on the resolution to which any requisition relates unless a poll is rendered unnecessary by the withdrawal of the requisition for a poll or by a resolution of the council withdrawing the Bill, or the part or parts or clause or clauses to which the resolution with reference to which the poll is required relates.

A requisition for a poll by electors may be in the form in the schedule to this Act, or to the like effect.

(11.) The polls on any number of resolutions may be taken at the same time and by means of the same voting paper.

5.—(1.) A poll of electors under this Act shall be taken at the town hall, or at such place or places as may be appointed by the mayor or chairman, between the hours of *eight* in the forenoon and *eight* in the afternoon, and by means of voting papers to be settled by the mayor or chairman, in the form in the schedule to this Act, or to the like effect. Mode of taking poll

A.D. 1902.

---

(2.) Every elector shall be entitled on personal application at the appointed place, between the said hours on the appointed day, to receive a voting paper, and then and there mark the same.

(3.) Each voting paper shall have a number printed on the back, and shall have attached a counterfoil with the same number printed 5 on the face.

(4.) Immediately before a voting paper is delivered to an elector, his number, name, and description, as stated in the register of parochial electors, shall be called out, and his number shall be marked on the counterfoil, and a mark shall be placed against 10 his name in the copy of the register of parochial electors or register of electors to denote that he has received a voting paper.

(5.) Public notice shall be given by the mayor or chairman of the time and place or places and mode of voting, which notice may be in the form in the schedule to this Act, or to the like effect, 15 and shall be published by means of placards and by advertisement on one day in two successive weeks in some local newspaper circulating in the borough or district. The placards must be posted and the last advertisement must be made at least seven days before the day fixed for the poll. 20

(6.) Subject to the provisions of this Act the poll shall be taken in accordance with such regulations as may be prescribed by the mayor or chairman.

Counting  
votes, &c.

6.—(1.) The mayor or chairman shall count, or cause to be counted, the votes given at a poll under this Act, and shall as 25 soon as practicable declare the result.

(2.) The decision of the mayor or chairman on any question arising in respect of any voting paper shall be final.

Withdrawal  
of Bill or  
part in case  
of adverse  
poll.

7.—(1.) If the result of a poll under this Act, or the decision of a meeting of electors when final is against the promotion of 30 the Bill, or of a part or parts, or clause or clauses of the Bill, the council shall forthwith take all necessary steps to withdraw the Bill, or the part or parts, or clause or clauses (as the case may be), against which the poll has resulted or the decision of the meeting has been given. 35

(2.) In the case of equality of votes on any question, that question shall be deemed to be decided in the negative.

Substitute  
for mayor or  
chairman.

8. Where the mayor or chairman is unable or unwilling to perform any duty, with respect to a poll, under this Act, the council shall appoint some other person to perform the duties for 40 him.

9. Where a Bill, or a part or parts, or clause or clauses of a Bill, is or are withdrawn under this Act, no further expense shall be incurred by the council, or mayor or chairman, in or about the promotion of the Bill, or part or parts, or clause or clauses so withdrawn, but, subject as aforesaid, all costs, charges, and expenses incurred by the council, or mayor, or chairman in or as incidental to the preparation and promotion of the Bill up to and inclusive of its deposit in Parliament and withdrawal (if withdrawn), and in or as incidental to the taking of a poll under this Act shall, when taxed by a taxing officer of one of the Houses of Parliament, or allowed under the Borough Funds Act, 1872, be charged on and payable out of such one or more of the public funds or rates under the control of the council (and if more than one, then in such proportions) as the council, having regard to the nature and object's of the Bill, may determine to be just and proper.

A.D. 1901.

As to expenses of promotion of Bill.

10. Nothing in this Act shall extend or be construed to alter or affect any special provision in any local Act for the payment of the costs, charges, and expenses in relation to the promotion by any council of a Bill in Parliament, or to take away or diminish any rights or powers now possessed or enjoyed by any council, or which are or shall be vested in or exercisable by the inhabitants of the district of any council under any general or special Act, but the council may, if they think fit, adopt with respect to the promotion of any Bill the procedure provided by this Act in lieu of that provided by their local Act.

Savings clause.

11.—(1.) Any person who at, or for the purposes of, a poll under this Act—

Offences in relation to polls.

- (i.) fraudulently signs or forges any signature to a requisition of electors under this Act; or
- 30 (ii.) applies for a voting paper in the name of some other person, whether that name be the name of a person living or dead, or of a fictitious person; or
- (iii.) having voted once, applies for a second voting paper in his own name; or
- 35 (iv.) forges or counterfeits, or fraudulently defaces or fraudulently destroys, any voting paper; or
- (v.) without due authority supplies a voting paper to any person; or
- 40 (vi.) fraudulently puts into any box or other receptacle any paper other than a voting paper supplied to him for the purpose; or

[38.]

A 3

- A.D. 1901. (vii.) fraudulently takes out of the polling station any voting paper; or  
 (viii.) without due authority destroys, takes, opens or otherwise interferes with any box or other receptacle for voting-papers or any voting papers then in use; or 5  
 (ix.) causes any disturbance or disorder in or near any polling station;  
 shall be liable on summary conviction to a fine not exceeding twenty pounds.

(2.) An attempt to commit any offence specified in this section shall be punishable in the manner in which the offence is punishable. 10

Repeal of  
 part of s. 4  
 of 35 & 36  
 Vict. c. 91.

12.—(1.) The following proviso in section four of the Borough Funds Act, 1872, namely, "Provided further that no expense in promoting or opposing any Bill in Parliament shall be charged as  
 "aforesaid unless such promotion or opposition shall have had  
 "the consent of the owners and ratepayers of that district, to be  
 "expressed by resolution in the manner provided in the Local  
 "Government Act, 1858, for the adoption of that Act," is hereby repealed. 20

(2.) The words "or the metropolitan area as defined by the Metropolis Management Act, 1855," in section eleven of the Borough Funds Act, 1872, are hereby repealed.

Non-compliance with  
 procedure.

13. The failure to comply with the requirements of this Act as to notices or the time within which anything is to be done, or the procedure at a meeting of electors or the mode of holding a poll, shall not render invalid the charge under the Borough Funds Act, 1872, or this Act of any expenses in relation to the promotion of a Bill, if it appears that the provisions of this Act have been substantially complied with and that the failure has not affected the result of the proceedings under this Act. 30

Application  
 to Ireland.

14. This Act shall apply to Ireland with the following modifications and additions:—

- (1.) Section seven and Schedules I. and II. of the Borough Funds (Ireland) Act, 1888, are hereby repealed. 35
- (2.) The section of this Act, whereof the marginal note is "Interpretation of terms," shall not apply to Ireland.
- (3.) References in this Act or the schedules thereto to a council or the council of any borough or urban district, shall be construed as references to the governing body of the district as defined in the Borough Funds (Ireland) Act, 1888, and for 40



the purposes of this Act the expression "governing body" shall have the meaning assigned to it in that Act, and references to a borough or an urban district shall be construed as references to the borough, place, township, or district within which the governing body may for the time being have jurisdiction.

A.D. 1901.

(4.) References in this Act or the schedules thereto to an "elector" or "electors" shall be construed as references to a Local Government elector as defined by the Local Government (Ireland) Act, 1898, or Local Government electors as so defined respectively, and references to the "register of parochial electors" or the "register of electors" shall be construed as references to the Local Government register of electors.

(5.) References to the Borough Funds Act, 1872, shall be construed as references to the Borough Funds (Ireland) Act, 1888.

51 & 52 Vict.  
c. 33.

(6.) In the forms in the schedules to this Act the description of the governing body of the district and of the district, as the case may be, shall be substituted for the words district council, borough, and urban district respectively.

15. This Act shall not apply to Scotland.

Extent of  
Act.

A.D. 1901.

## SCHEDULE.

## FORM 1.

*Form of Requisition of Electors.*

We, the undersigned electors of the borough [urban district] of  
 hereby require you, the mayor of the borough [chairman  
 of the district council], forthwith to take a poll of the electors with  
 reference to the resolution proposed at the public meeting in favour of the  
 promotion of [Part or Parts or clause or clauses] of  
 (as the case may be) the Bill, intituled A Bill which has  
 been deposited in Parliament by the council.

[Signed]

Signatures.

Number on register, with the ward or  
 polling district, if any, having a  
 distinct numbering.

## FORM 2.

*Form of Notice of Poll.*

## BOROUGH [URBAN DISTRICT] OF

## IN PARLIAMENT: SESSION

(Title or Short Title of Bill.)

## NOTICE.

In pursuance of the requisition duly made by (one hundred) of the electors  
 of the borough [urban district] of (one twentieth)  
 I hereby give notice that a poll of the electors with reference to the  
 resolution proposed at the public meeting in favour of the promotion of  
 [Part or Parts or clause or clauses] of (as the case may  
 be) the above-mentioned Bill will be taken on day the of  
 at [the Town Hall and at \*] between the hours of 8 a.m.  
 and 8 p.m.

\* In any other  
 polling places,  
 if any.

† If more than  
 one polling  
 place is pro-  
 vided, this  
 notice must  
 inform the  
 electors where  
 they are  
 respectively  
 to apply.

Electors desirous of voting must apply personally at the Town Hall or  
 at † between the above hours on the day named for  
 a voting paper, and must then and there mark it in accordance with the  
 directions printed on the voting paper, and place it in the box which will be  
 provided for the purpose.

Dated the day of 19 . 35  
 Mayor [Chairman].

N.B.—By the Borough Funds Act, 1901, any person who commits any of  
 the following offences is liable to a fine of twenty pounds (that is to say):—

Any person who

[Set out the offences specified in section eleven of the above Act.] 40

## Form 2.

A.D. 1901.

## Form of Voting Paper.

## BOROUGH [URBAN DISTRICT] OF

IN PARLIAMENT: SESSION

5 (Title or Short Title of Bill.)

Countersign  
No.  
Note.—The  
countersign is  
to have a  
number in  
correspond  
with that on  
the voting  
paper.

	For.	Against.
Are you for or against the resolution in favour of the promotion of—		
*1	1	
10 2	2	
3	3	
4	4	
&c.		

Directions to the Voter.—If the voter wishes to vote for any resolution, he will with the pencil provided for the purpose, place a cross in the column headed "For" in the blank space opposite the description of the resolution, and similarly, if he wishes to vote against any resolution he will with the pencil provided for the purpose place a cross in the column headed "Against" in the blank space opposite the description of the resolution.

20 If a poll is taken on more than one resolution, the voter may vote for or against all or any one or more of the resolutions.

N.B.—Any person who personates a voter or votes more than once or commits or attempts to commit any other of the offences mentioned in the Borough Funds Act, 1901, is liable to a fine of twenty pounds.

25 \* This space must be filled up according to circumstances—for example:—

1. If a single resolution in favour of the Bill has been put to the meeting and a poll demanded on it, it will only be necessary to insert the words "The Bill" and no figures will be required; or

30 2. If separate resolutions have been put to the meeting, one in favour of the whole Bill (except Part III. and clauses 82 and 83), another in favour of Part III. separately, and another in favour of clauses 82 and 83 separately, and a poll has been demanded on all of them, it will be necessary to insert—

(1) The whole of the Bill (except Part III. and clauses 82 and 83);

35 (2) Part III. of the Bill (relating to);

(3) Clauses 82 and 83 of the Bill (relating to); or

40 3. If resolutions have been put to the meeting as in the last example and the first resolution in favour of the whole Bill (except Part III. and clauses 82 and 83) has been carried and no poll has been demanded upon it while a poll has been demanded on the second and third resolutions, the latter resolutions only would be inserted, e.g.—

(1) Part III. of the Bill (relating to);

45 (2) Clauses 82 and 83 of the Bill (relating to);

and so on.

**Borough Funds  
Acts Amendment.**

2

B  
I  
L  
T

To amend the Borough Funds Act, 1872, and the Borough Funds (Ireland) Act, 1888.

(Prepared and brought in by  
Sir Albert Royle, Sir James Macdonald,  
Sir Harry Lindhead, and Sir Thomas Roe.)

Ordered, by The House of Commons, to be Printed,  
19 February 1800.

PRINTED BY LEE AND SPOFFORD,  
PRINTERS TO THE KING'S MOST EXCELLENT MAJESTY.

And to be purchased, either directly or through any Distributor, from  
**Exxon and Sperry Inc.**, 2001 Middle Street, Trenton, N.J.  
 or, in Alabama, from, **Westlake, S. V.**, c/o  
**Jesse Huggins & Co.**, 2001 Street, Birmingham, and  
 in New York State, through, or  
**Green, Pitzer & Co.**, 2001 Street, 100 Union Street, Buffalo.

[*Figure 1*]

[Bill 86.]